HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

WRIT PETITION NO. 1133 OF 2006.

M/s. Jayantilal Investments & Ors. ..Petitioner.

Versus.

LIC Housing Finance Ltd & Anr. ..Respondents.

Milan Desai for the petitioner.

I. S. Thakur, A.P.P. for the State.

CORAM: S.B.MHASE &
S.R.SATHE JJ

DATE: DECEMBER 04, 2006.

P.C.

1. The petitioner has approached to this Court for expunging the observations made by the Sessions Judge, Greater Bombay at Bombay in his judgment dated 6.12.2005 in Criminal Revision Application No. 356 of 2005 in C.C. No. 1258/S/99 alongwith Criminal Revision Application No. 357 of 2005 in C.C.No. 1270/S/99. We asked what are the remarks which are desired to be expunged by this petition. Our attention was invited to paragraph 14 of the said judgment, which reads thus:

> "14. It is contended by the applicants that the respondents are not having any money lending licence and, therefore, it is not legally enforceable debt or liability. To the said submission of the applicants, Ms. Shrivastava,

> contended that, it is the business of the company to give finance, for which no money lending licence is required. Moreover, in case of an individual, the money lending licence is must. This is not the case in hand of any individual. Therefore, the said contention of the applicants is required to be rejected."

2. Out of this paragraph, the petitioner desires to expunge the sentence "This is not the case in hand of any individual. Therefore, the said contention of the applicants is required to be rejected". According to the learned counsel for the petitioner this is the observation made by the Sessions Judge. However, we are not in agreement with the learned counsel. On the contrary, we find, if we properly construe the said sentence in the said paragraph, that only the submission of the Advocate for the parties have been recorded. Therefore, that is not the observation, according to us, made by the Judge. Petition is without any merit. It is hereby rejected.

(S.R.SATHE,J.) **(S.B.MHASE, J.)**

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